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COMMITTEE SUBSTITUTE FOR HOUSE SIMPLE RESOLUTION NO. 161

1 A RESOLUTION IMPEACHING O. P. CARRILLO, DISTRICT JUDGE
2 FOR THE 229TH JUDICIAL DISTRICT OF TEXAS, AND
3 PREFERRING ARTICLES OF IMPEACHMENT AGAINST HIM

4 BE IT RESOLVED by the House of Representatives of the
5 State of Texas, That O. P. Carrillo, judge of the district
6 court for the 229th Judicial District of the State of Texas,
7 is impeached and that the following articles of impeachment
8 be exhibited to the senate:

9 Articles of impeachment exhibited by the House of
10 Representatives of the State of Texas in the name of itself
11 and of all the people of the State of Texas against O. P.
12 Carrillo, judge of the district court for the 229th Judicial
13 District of the State of Texas, in maintenance and support of
14 its impeachment against him.

15 ARTICLE I

16 While holding office as district judge for the 229th
17 Judicial District of Texas, O. P. Carrillo conspired with
18 others to have Duval County pay for groceries, to which he
19 was not entitled, for his personal use and benefit.

20 ARTICLE II

1 While holding office as district judge for the 229th
2 Judicial District of Texas, O. P. Carrillo used his official
3 powers in a manner calculated to subvert the principles of
4 democratic government and obstruct the fair and impartial
5 administration of justice, thereby bringing the district court
6 for the 229th Judicial District of Texas into scandal and
7 disrepute to the prejudice of public confidence in the judiciary
8 of the state.

9 This conduct included but was not limited to one or
10 more of the following:

11 (1) In the case of Clinton Manges versus M. A. Guerra,
12 et al., Cause No. 3953 in the district court for the 229th
13 Judicial District of Texas, which involved a party with whom
14 O. P. Carrillo had numerous financial ties, he refused to
15 recuse and disqualify himself;

16 (2) In the case of State of Texas on relation of Jose
17 R. Nichols versus Archer Parr, Cause No. 8890 in the district
18 court for the 229th Judicial District of Texas, which involved
19 the suspension and removal from office of a former political
20 ally with whom O. P. Carrillo had publicly split and who was
21 involved in heated competition for political control of the
22 governmental entities in Duval County, he refused to recuse
23 and disqualify himself;

24 (3) he conspired with others to improperly influence
25 the membership and proceedings of the grand jury of Duval

1 County impaneled in February, 1975;

2 (4) he conspired with others to dominate and control
3 the Benavides Independent School District by arbitrarily suspending
4 from their offices his political opponents on the school district
5 board of trustees and appointing his political allies as
6 replacements.

7 ARTICLE III

8 While holding office as district judge for the 229th
9 Judicial District of Texas, O. P. Carrillo acted alone or
10 conspired with others to divert the services of governmental
11 employees to his personal benefit when he was not entitled to
12 receive those services.

13 This conduct included but was not limited to one or
14 more of the following:

15 (1) Cleofas Gonzalez, while employed and being paid by
16 Duval County, worked in the Farm and Ranch Store, which was a
17 partnership between O. P. Carrillo and another;

18 (2) Pat Gonzalez, while employed and being paid by
19 Duval County, worked in the Farm and Ranch Store, which was a
20 partnership owned by O. P. Carrillo and another;

21 (3) Francisco Ruiz, while employed and being paid by
22 Duval County, worked as a welder on O. P. Carrillo's property;

23 (4) Oscar Sanchez, while employed and being paid by
24 Duval County, worked in the construction of a reservoir on O.

1 P. Carrillo's ranch;

2 (5) Patricio Garza, while employed and being paid by
3 Duval County, worked on O. P. Carrillo's ranch.

4 ARTICLE IV

5 While holding office as district judge for the 229th
6 Judicial District of Texas, O. P. Carrillo conspired with
7 others to misapply government equipment, which he was not
8 entitled to use, to his personal benefit.

9 This conduct included but was not limited to one or
10 more of the following:

11 (1) the use of a backhoe owned or leased by the Duval
12 County Water Control and Improvement District in the construction
13 of a private building on his property;

14 (2) the use of equipment owned or leased by Duval County
15 in the construction of a water reservoir on his property;

16 (3) the use of a truck, mounted with post-hole digging
17 equipment, owned or leased by Duval County in the construction
18 of fences on his property;

19 (4) the use of welding equipment and supplies owned or
20 leased by Duval County to make repairs on his property;

21 (5) the use of trucks owned or leased by Duval County
22 to haul equipment and materials to his property for his private
23 use.

1 ARTICLE V

2 While holding office as district judge for the 229th
3 Judicial District of Texas and, prior to that, while simultaneously
4 holding office as county attorney for Duval County and a member
5 of the board of trustees for the Benavides Independent School
6 District, O. P. Carrillo conspired with public officials and
7 others to violate the constitution, oaths of office, statutes,
8 and public policy against public officials doing private business
9 with governmental entities they serve.

10 This conduct included but was not limited to the sale
11 of goods and services and the rental of equipment, either
12 directly from the Farm and Ranch Store, an entity owned by O.
13 P. Carrillo and another public official, or by sham transactions
14 through Zertuche General Store and other business entities,
15 to various governmental entities in Duval County when O. P.
16 Carrillo and close relatives with whom he had a joint economic
17 interest served as officers of those governmental entities.

18 ARTICLE VI

19 While holding office as district judge for the 229th
20 Judicial District of Texas, O. P. Carrillo filed false and
21 fraudulent financial statements with the Secretary of State
22 for Texas.

1 ARTICLE VII

2 While holding office as district judge for the 229th
3 Judicial District of Texas, O. P. Carrillo conspired with
4 others to use for his personal benefit materials and supplies
5 owned by Duval County and other governmental entities, which
6 he was not entitled to receive.

7 This conduct included but was not limited to the following:
8 O. P. Carrillo used fuel owned by Duval County in his personal
9 vehicles.

10 ARTICLE VIII

11 While holding office as district judge for the 229th
12 Judicial District of Texas, O. P. Carrillo conspired with
13 others to charge and collect money from governmental entities
14 for rentals of equipment that did not exist and for rental of
15 equipment that the governmental entities did not use.

16 ARTICLE IX

17 While holding office as district judge for the 229th
18 Judicial District of Texas, O. P. Carrillo conspired with
19 others to defraud Duval County by causing county funds to be
20 paid to Arturo Zertuche, who was not entitled to receive the
21 funds.

1 ARTICLE X

2 While holding office as district judge for the 229th
3 Judicial District of Texas, O. P. Carrillo conspired with
4 others to defraud Duval County by causing county funds to be
5 paid to Roberto Elizondo, who was not entitled to receive the
6 funds.

7 ARTICLE XI

8 While holding office as district judge for the 229th
9 Judicial District of Texas, O. P. Carrillo conspired with
10 others to defraud Duval County by causing county funds to be
11 paid to Patricio Garza, who was not entitled to receive the
12 funds.

13 * * *

14 In all of this, O. P. Carrillo has acted in a manner
15 contrary to the trust reposed in him as district judge and is
16 guilty of gross violations of the constitution and statutes
17 of this state, of the duties of his office, and of the Code
18 of Judicial Conduct. By such conduct he has rendered himself
19 unfit to hold the office of judge of the district court for
20 the 229th Judicial District of Texas and he warrants trial
21 and conviction, removal from office, and disqualification

1 from holding any future office in this state, and the house
2 of representatives, saving to itself the liberty to exhibit
3 additional articles of impeachment against O. P. Carrillo at
4 any future date, if it decides any are necessary, requests
5 that O. P. Carrillo be required to answer the articles of
6 impeachment against him.

ENROLLED

H.S.R. No. 161

HOUSE RESOLUTION

**A RESOLUTION IMPEACHING O. P. CARRILLO, DISTRICT JUDGE
FOR THE 229TH JUDICIAL DISTRICT OF TEXAS, AND
PREFERRING ARTICLES OF IMPEACHMENT AGAINST HIM**

BE IT RESOLVED by the House of Representatives of the State of Texas, That O. P. Carrillo, judge of the district court for the 229th Judicial District of the State of Texas, is impeached and that the following articles of impeachment be exhibited to the senate:

Articles of impeachment exhibited by the House of Representatives of the State of Texas in the name of itself and of all the people of the State of Texas against O. P. Carrillo, judge of the district court for the 229th Judicial District of the State of Texas, in maintenance and support of its impeachment against him.

ARTICLE I

While holding office as district judge for the 229th Judicial District of Texas, O. P. Carrillo conspired with others to have Duval County pay for groceries, to which he was not entitled, for his personal use and benefit.

ARTICLE II

While holding office as district judge for the 229th Judicial District of Texas, O. P. Carrillo used his official powers in a manner calculated to subvert the principles of democratic government and obstruct the fair and impartial administration of justice, thereby bringing the district court for the 229th Judicial District of Texas into scandal and disrepute to the prejudice of public confidence in the judiciary of the state.

This conduct included but was not limited to one or more of the following:

(1) in the case of Clinton Manges versus M. A. Guerra, et al., Cause No. 3953 in the district court for the 229th Judicial District of Texas, which involved a party with whom O. P. Carrillo had numerous financial ties, he refused to recuse and disqualify himself;

(2) in the case of State of Texas on relation of Jose R. Nichols versus Archer Parr, Cause No. 8890 in the district court for the 229th Judicial District of Texas, which involved the suspension and removal from office of a former political ally with whom O. P. Carrillo had publicly split and who was involved in heated competition for political control of the governmental entities in Duval County, he refused to recuse and disqualify himself;

(3) he conspired with others to improperly influence the membership and proceedings of the grand jury of Duval

County impaneled in February, 1975;

(4) he conspired with others to dominate and control the Benavides Independent School District by arbitrarily suspending from their offices his political opponents on the school district board of trustees and appointing his political allies as replacements.

ARTICLE III

While holding office as district judge for the 229th Judicial District of Texas, O. P. Carrillo acted alone or conspired with others to divert the services of governmental employees to his personal benefit when he was not entitled to receive those services.

This conduct included but was not limited to one or more of the following:

(1) Cleofas Gonzalez, while employed and being paid by Duval County, worked in the Farm and Ranch Store, which was a partnership between O. P. Carrillo and another;

(2) Pat Gonzalez, while employed and being paid by Duval County, worked in the Farm and Ranch Store, which was a partnership owned by O. P. Carrillo and another;

(3) Francisco Ruiz, while employed and being paid by Duval County, worked as a welder on O. P. Carrillo's property;

(4) Oscar Sanchez, while employed and being paid by Duval County, worked in the construction of a reservoir on

O. P. Carrillo's ranch;

(5) Patricio Garza, while employed and being paid by Duval County, worked on O. P. Carrillo's ranch.

ARTICLE IV

While holding office as district judge for the 229th Judicial District of Texas, O. P. Carrillo conspired with others to misapply government equipment, which he was not entitled to use, to his personal benefit.

This conduct included but was not limited to one or more of the following:

(1) the use of a backhoe owned or leased by the Duval County Water Control and Improvement District in the construction of a private building on his property;

(2) the use of equipment owned or leased by Duval County in the construction of a water reservoir on his property;

(3) the use of a truck, mounted with post-hole digging equipment, owned or leased by Duval County in the construction of fences on his property;

(4) the use of welding equipment and supplies owned or leased by Duval County to make repairs on his property;

(5) the use of trucks owned or leased by Duval County to haul equipment and materials to his property for his private use.

ARTICLE V

While holding office as district judge for the 229th Judicial District of Texas and, prior to that, while simultaneously holding office as county attorney for Duval County and a member of the board of trustees for the Benavides Independent School District, O. P. Carrillo conspired with public officials and others to violate the constitution, oaths of office, statutes, and public policy against public officials doing private business with governmental entities they serve.

This conduct included but was not limited to the sale of goods and services and the rental of equipment, either directly from the Farm and Ranch Store, an entity owned by O. P. Carrillo and another public official, or by sham transactions through Zertuche General Store and other business entities, to various governmental entities in Duval County when O. P. Carrillo and close relatives with whom he had a joint economic interest served as officers of those governmental entities.

ARTICLE VI

While holding office as district judge for the 229th Judicial District of Texas, O. P. Carrillo filed false and fraudulent financial statements with the Secretary of State for Texas.

ARTICLE VII

While holding office as district judge for the 229th Judicial District of Texas, O. P. Carrillo conspired with others to charge and collect money from governmental entities for rentals of equipment that did not exist and for rental of equipment that the governmental entities did not use.

ARTICLE VIII

While holding office as district judge for the 229th Judicial District of Texas, O. P. Carrillo conspired with others to defraud Duval County by causing county funds to be paid to Arturo Zertuche, who was not entitled to receive the funds.

ARTICLE IX

While holding office as district judge for the 229th Judicial District of Texas, O. P. Carrillo conspired with others to defraud Duval County by causing county funds to be paid to Roberto Elizondo, who was not entitled to receive the funds.

ARTICLE X

While holding office as district judge for the 229th Judicial District of Texas, O. P. Carrillo conspired with others to defraud Duval County by causing county funds to be paid to Patricio Garza, who was not entitled to receive the funds.

* * *

In all of this, O. P. Carrillo has acted in a manner contrary to the trust reposed in him as district judge and is guilty of gross violations of the constitution and statutes of this state, of the duties of his office, and of the Code of Judicial Conduct. By such conduct he has rendered himself unfit to hold the office of judge of the district court for the 229th Judicial District of Texas and he warrants trial and conviction, removal from office, and disqualification from holding any future office in this state, and the house of representatives, saving to itself the liberty to exhibit additional articles of impeachment against O. P. Carrillo at any future date, if it decides any are necessary, requests that O. P. Carrillo be required to answer the articles of impeachment against him.

Canales

H.S.R. No. 161

Speaker of the House

I hereby certify that H.S.R. No. 161 was adopted by the House, as amended, on August 5, 1975, by the following vote:
Yeas 128, Nays 16.

Chief Clerk of the House